

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. PENDLETON,	:	
Plaintiff,	:	
v.	:	Case No. 2:22-cv-1120-KAP
ALLEGHENY COUNTY JUVENILE	:	
PROBATION OFFICE, DOCTOR NEIL	:	
ROSENBLUM, and DENNIS A. LOGAN,	:	
POLICE OFFICER FOR THE CITY OF	:	
PITTSBURGH,	:	
Defendants	:	

Memorandum Order

In July 2022 plaintiff filed a complaint subject to the Prison Litigation Reform Act at ECF no. 4 that I screened and recommended be dismissed without leave to amend, *see* ECF no. 5. Plaintiff filed timely objections and the matter is pending before Judge Gibson.

Then, in October 2022, plaintiff filed a proposed amended complaint which differs significantly from the original in its claims and in its defendants. *See* ECF no. 12 and ECF no. 14. Plaintiff apparently also sent a waiver of service and presumably a version of the complaint to the City of Pittsburgh, one of the defendants common to both versions. *See* ECF no. 16.

Whichever version of the complaint was sent to defendant City of Pittsburgh, no reply is due. I also will not screen the new version of the complaint. If despite my recommendation that no amendment be allowed, plaintiff intends to file a new complaint with new claims against new defendants he will have to do so at a new number, or he will have to convince Judge Gibson to reject my current recommendation. But that recommendation is pending, and a litigant cannot use the PLRA as a drafting guide to get a no-extra cost evaluation of a complaint that is then swapped out for another one.



DATE: December 27, 2022

Keith A. Pesto,
United States Magistrate Judge

Notice to counsel of record and by U.S. Mail to:

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